UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,799	09/10/2003	Seong-Jin Moon	1101.0109	1813

89980   7590   08/18/2011
NSIP LAW
P.O. Box 34688
Washington, DC 20043

EXAMINER
TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
08/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@nsiplaw.com
uspto@nsiplaw.com
nsiplaw@gmail.com

	Application No.	Applicant(s)
Office Action Summary	10/658,799	MOON ET AL.
	Examiner	Art Unit	
	GELEK W. TOPGYAL	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 May 2011</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4,5 and 42-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4,5 and 42-47</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>9/10/2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>6/21/11,6/21/11</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5/20/11 have been fully considered but they are not

persuasive.

2.   In re page 7-8, the applicants request the opportunity to address the ODP

rejections when the issues with prior art rejections are resolved. Unfortunately, the ODP

rejections have to be maintained until a Terminal Disclaimer is filed, as such the ODP

rejections are made below.

3.   In re page 8-10, the applicants present the citations from the previous office

action and from the prior art of Okada and in doing so presents the argument that the

limitation of "navigation data which is used to select the reproduction information" is not

met by the "menu.xml"/"selectTitle function". The arguments further state that the

claimed "navigation data" of Okada, i.e. the selectTitle function, is not used to select the

"TIMEMAP" of Okada.

4.   In response, the examiner respectfully disagrees. Firstly, In response to

applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., that the

"navigation data" is used in "selecting such reproduction information?) are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Presently, the navigation data is only

used to "control reproduction of a corresponding reproduction information unit", which

by in itself is includes "information indicating a reproduction interval of a corresponding

clip", not to the already recited limitation of "timemap".

Assuming arguendo that the "navigation data" was directly used to "control

reproduction of timemap" data, the following explanation is made. The claimed limitation

of "navigation data" is not literally met by the actual selectTitle function, much rather the

source code within "menu.xml", which was cited as teaching the "executable program".

Without the code stored within the menu.xml, and with a selection of a particular title

from when the menu is displayed for selection to a user, the selectTitle function can not

be performed. Furthermore, as seen in Fig. 17, with the use of the "menu.xml" file, a title

is selectable by a user. Further, as seen in Fig. 18, within "CHAPTER_LIST", it is taught

that specific "Stream*.mpg" files are stored within the title.xml, which in turn references

the "TIMEMAP" stored within the stream.xml linked to the stream*.mpg files (see Fig.

19). Therefore, menu.xml includes for navigation data that allows for the

selection/control-reproduction of a title, which in turn uses the Timemap data stored

within xml file used for the reproduction of the selected title.

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees.   A nonstatutory

obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct

from the reference claim(s) because the examined application claim is either anticipated

by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

6.   **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 42

and 44-45 of copending Application No. 10/658,799, hereinafter #799 in view of Okada

(US 2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not

identical, they are not patentably distinct from each other because

7.   **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 5 of 12/170,942
A reproducing apparatus for	A reproducing apparatus for

reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	reproducing data from a data storage medium, comprising: a reader configured to read from the data storage medium: a first file including one or more clips, each of the clips comprising audio visual stream data
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	a time map including: information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	a second file including one or more reproduction information units for reproducing audio visual stream data, each of the reproduction information units including information indicating a reproduction interval of each of the clips;
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, \n\n wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	a controller configured to reproduce the audio visual stream data from the data storage medium based on the first file, the second file, and the third file, wherein the first file, the second file, and the third file are recorded separately on the data storage medium.
wherein each of the commands comprises further commands	

configured to change an execution order of the commands	

It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 5 of #942.

However, claim 5 of #942 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the

various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1"

vs. a selection of "Title 2", the execution order of the commands associated with each

Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the ability to include an executable program to

include commands to control and change the execution order of the as taught by Okada

into claim 5 of #942 because said incorporation allows for the benefit of accurately

performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as

discussed in claim 42 of the instant application above and furthermore, Okada teaches

the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as

"stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as

discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 7 and 8 of

#942.

Regarding claim 46 of the instant application, Okada teaches the claimed

wherein the "selectTitle" function is due to a result of a user selecting a particular title for

playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same

reasons as discussed above in apparatus claims 42-45 of the instant application,

respectively.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of

the instant application above.

8.   **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-

4 of copending Application No. 12/170,911 (hereinafter #911) in view of Okada et al.

(US 2002/0194618) (hereinafter "Okada").

9.   **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 1 of 12/170,911
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading a first file comprising reproduction information for reproducing audio visual stream data from the data storage medium
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	a second file comprising navigation data which is used to select the reproduction information from the data storage medium, the reproduction information comprising information indicating a reproduction interval of the audio visual stream data
an executable program including navigation data including one or more commands, each of the commands	

being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	reproducing the audio visual stream data from the data storage medium based on the first file and the second file, wherein the first file and the second file are recorded separately on the data storage medium
wherein each of the commands comprises further commands configured to change an execution order of the commands	

It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 1 of #911. Furthermore, it is also noted that the method of reproducing in claim 1 of #911 can be performed by the reproducing apparatus of claim 42 of the instant application.

However, claim 1 of #911 fails to teach a time map comprising information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time; an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches a time map comprising information on reproduction time when the audio visual stream data is reproduced (met by "stream.xml" in Fig. 19 and paragraphs 250-272 and the "stream*.mpg" in paragraphs 153-154, 252-254. The "stream.xml" further includes "TIMEMAP" information as discussed in paragraphs 266-272") and information on a reproduction position of the audio visual stream data corresponding to the reproduction time (Paragraphs 267-272 teaches that the "stream.xml" further includes "ENTRY" data that includes time information and address information used during playback to find the respective reproduction positions); an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the ability to include a TIMEMAP comprising

information on reproducing time and the position corresponding to the reproduction time

and to include an executable program to include commands to control and change the

execution order of the as taught by Okada into claim 1 of #911 because said

incorporation allows for the benefit of accurately performing playback of the stream at a

given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as

discussed in claim 42 of the instant application above and furthermore, Okada teaches

the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as

"stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as

discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 3 and 4 of

#911.

Regarding claim 46 of the instant application, Okada teaches the claimed

wherein the "selectTitle" function is due to a result of a user selecting a particular title for

playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same

reasons as discussed above in apparatus claims 42-45 of the instant application,

respectively.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of

the instant application above.

10.   **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1

and 5 of copending Application No. 12/170,992, hereinafter #992 in view of Okada (US

2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical,

they are not patentably distinct from each other because

11.   **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claims 1 and 5 of 12/170,992
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading using a reproducing apparatus: one or more clips, each of the clips including comprising audio visual stream data and time map information
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	the time map information including reproduction time information regarding a reproduction time when the audio visual stream data is reproduced and reproduction position information regarding a reproduction position of the audio visual stream data that corresponds to the reproduction time
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a	at least one first reproduction information indicating reproduction intervals within each of the clips; second reproduction information including and indicating the first reproduction information, and title information indicating and enabling selection of second reproduction

corresponding clip	information;
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	reproducing, using the reproducing apparatus, the audio visual stream data from the data storage medium based on the clip, the first reproduction information, the second reproduction information, and the title information, wherein a first file that includes the clips, a second file that includes the first reproduction information and the second reproduction information, and a third file that includes the title information are recorded separately on the data storage medium.
wherein each of the commands comprises further commands configured to change an execution order of the commands	

However, claims 1 and 5 of #992 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337

and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include a TIMEMAP comprising information on reproducing time and the position corresponding to the reproduction time and to include an executable program to include commands to control and change the execution order of the as taught by Okada into claims 1 and 5 of #992 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as
"stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as
discussed above is incorporated herein.

     Claims 44 and 45 of the instant application, claim 5 of #992 recites " wherein
a first file comprising at least one clip, a second file comprising the first reproduction
information and the second reproduction information, and a third file comprising the title
information are recorded separately on the data storage medium" which are equivalent
to claims 44 and 45 of the instant application.

     Medium claims 1, 2 and 4-5 of the instant application are rejected for the same
reasons as discussed above in apparatus claims 42-45 of the instant application,
respectively.

     Regarding claim 46 of the instant application, Okada teaches the claimed
wherein the "selectTitle" function is due to a result of a user selecting a particular title for
playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

     Medium claim 47 is rejected for the same reasons as discussed in claim 42 of
the instant application above.

12.   **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of
nonstatutory obviousness-type double patenting as being unpatentable over claims 6
and 10 of copending Application No. 12/170,975, hereinafter #975 in view of Okada (US
2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical,
they are not patentably distinct from each other because

13.   **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claims 6 and 10 of 12/170,975
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A reproducing apparatus for reproducing data from a data storage medium, comprising: a reader configured to read: one or more clips, each of the clips comprising: audio visual stream data; and
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	time map information, comprising: reproduction time information regarding a reproduction time when the audio visual stream data is reproduced; and reproduction position information regarding a reproduction position of the audio visual stream data that corresponds to the reproduction time;
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	first reproduction information indicating reproduction intervals within each of the clips; second reproduction information comprising and indicating the first reproduction information; and title information indicating and enabling selection of the second reproduction information ; at least one second reproduction information comprising at least one first reproduction information
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program,	a controller which reproduces the audio visual stream data from the data storage medium based on the clips, the first reproduction information, the second reproduction information, and the title information,
wherein the first file, the second file and the executable program third are	a first file comprising one or more clips; a second file comprising the first reproduction information and the second

recorded separately on the optical data storage medium.	reproduction information, and a third file comprising the title information, wherein the first file, the second file and the third file are recorded separately on the data storage medium
wherein each of the commands comprises further commands configured to change an execution order of the commands	

However, claims 6 and 10 of #975 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the

various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1"

vs. a selection of "Title 2", the execution order of the commands associated with each

Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the ability to include a TIMEMAP comprising

information on reproducing time and the position corresponding to the reproduction time

and to include an executable program to include commands to control and change the

execution order of the as taught by Okada into claims 6 and 10 of #975 because said

incorporation allows for the benefit of accurately performing playback of the stream at a

given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as

discussed in claim 42 of the instant application above and furthermore, Okada teaches

the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as

"stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as

discussed above is incorporated herein.

Claims 44 and 45 of the instant application, claim 10 of #975 recites "wherein

a first file comprising at least one clip, a second file comprising the first reproduction

information and the second reproduction information, and a third file comprising the title

information are recorded separately on the data storage medium" which are equivalent

to claims 44 and 45 of the instant application.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

14.   **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-4 of copending Application No. 12/170,964, hereinafter #964 in view of Okada (US 2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical, they are not patentably distinct from each other because

15.   **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 1 of 12/170,964
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading a first file including one or more clips using a reproducing apparatus, each of the clips including audio visual stream data and
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a	a time map, the time map including information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual

reproduction position of the audio visual stream data corresponding to the reproduction time	stream data corresponding to the reproduction time;
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	reading a second file disposed separately from the first file on the data storage medium using the reproducing apparatus, the second file including reproduction information for reproducing audio visual stream data, the reproduction information including information indicating a reproduction interval of the one or more clips, and
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program,

wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium. | reproducing the audio visual stream data from the data storage medium based on the first file, the second file, and the third file,

wherein the first file, the second file, and the third file are recorded separately on the data storage medium. |
| wherein each of the commands comprises further commands configured to change an execution order of the commands | |

It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 1 of #964.

However, claim 1 of #964 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include an executable program to

include commands to control and change the execution order of the as taught by Okada

into claim 1 of #964 because said incorporation allows for the benefit of accurately

performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as

discussed in claim 42 of the instant application above and furthermore, Okada teaches

the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as

"stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as

discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 3 and 4,

respectively of #964.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same

reasons as discussed above in apparatus claims 42-45 of the instant application,

respectively.

Regarding claim 46 of the instant application, Okada teaches the claimed

wherein the "selectTitle" function is due to a result of a user selecting a particular title for

playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of

the instant application above.

16.   This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

17.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

18.   **Claims 1, 2, 4-5 and 42-47** are rejected under 35 U.S.C. 102(e) as being

anticipated by Okada et al. **(US 2002/0194618)** hereinafter "Okada".

     Regarding claims 1, 42 and 47, Okada teaches a reproducing apparatus

(paragraph 294) for reproducing data from a data storage medium (paragraphs 150-155

teaches storing/recording e-package data (meeting claimed multimedia data) to an

"optical disc" (meeting claimed "storage medium"), comprising:

     a reader configured to read from the optical data storage medium (paragraph 295

teaches a CPU 103 which controls the apparatus, includes operations to read data from

the optical disc):

     a first file (The examiner's interprets the claimed "first file" as a set of at least one

or more files that is stored on a particular storage medium. This interpretation is also

commensurate with the discussion in the interview dated 11/18/2010 in the parent

application 10/658,799 ('799 application) wherein the applicants referred to the term

"first file" as a combination of "file1.mpg" and "file1timemap.dat" in Fig. 14 of the '799

application) including one or more clips, each of the clips including:

audio visual stream data(paragraph 153-154, 252-254 and Fig. 15 and 19

teaches of a directory on the storage medium, wherein the "audio visual stream data"

comprised in a "clip" is met by "stream*.mpg" files. The "stream*.mpg" files are read

upon playback); and

a time map , including:

reproduction time information on a reproduction time when the audio

visual stream data is reproduced (met by "TIMEMAP" information stored within

"stream.xml" in Fig. 19 and paragraphs 250-272 and the "stream*.mpg" in

paragraphs 153-154, 252-254. The "stream.xml" further includes "ENTRY"

information as discussed in paragraphs 266-272 that teaches "time information"

of when the stream*.mpg files are reproduced"); and

reproduction position information on a reproduction position of the audio

visual stream data corresponding to the reproduction time (Paragraphs 267-272

teaches that the "ENTRY" data further includes address information used during

playback to find the respective reproduction positions);

a second file including one or more reproduction information units (The

examiner's interprets the claimed "second file" as a set of at least one or more files that

is stored on a particular storage medium. As such, the claimed second file is met by the

"Title.xml" file of Okada), each of the reproduction information units being configured to

reproduce the audio visual stream data, each reproduction information unit including

information indicating a reproduction interval of a corresponding clip (paragraphs 200-

216 teaches of "LINK_LIST", "CHAPTER_LIST" and "BRANCH" information stored

within the "Title.xml" file. The Chapter and Branch data includes reproduction

information indicating intervals of reproduction ("start time (in)" and "end time (out)"));

and

  an executable program (The examiner's interprets the claimed "executable

program" as a set of at least one or more files that is stored on a particular storage

medium. As such, the claimed executable program is met by the "Menu.xml" file of

Okada, see paragraphs 335-337 and 374-378) including navigation data including one

or more commands, each of the commands being configured to control reproduction of

a corresponding reproduction information unit (paragraphs 335-337 and 374-378

teaches an instant of control data in the form of "selectTitle function is called" when a

particular title from the Menu is selected. The "selectTitle function" thus causes the

"getTitle" function of the "Package instance" which calls the "play" function of the "Title

Instance". Thus when a menu is displayed (by running menu.xml file) and a title is

selected, the title.xml file is run to playback the selected title. The stream.mpg file and

stream.xml file corresponding to the title is therefore selected for playback (specifically

paragraph 314. The menu.xml stores the codes, thus stores the navigation data

(commands), that allows for the selection of a particular title (and the related audio

video stream data, the related TIMEMAP data), without the menu.xml data, playback of

a particular title (as discussed) will not be possible).

  a controller (paragraph 295 teaches a CPU 103 which controls the apparatus)

which reproduces the audio visual stream data from the data storage medium based on

the first file, the second file, and the executable program (as discussed wherein the

menu.xml, title.xml and the stream*.mpg and stream.xml files are used for playback),

wherein the first file, the second file, and the executable program are recorded

separately on the data storage medium (see Fig. 15 and 19 wherein the "stream*.mpg",

"stream.xml", "title.xml", "menu.xml" are store separately on the medium);

As to claim 47, Okada teaches the claimed wherein each of the commands

comprises further commands configured to change an execution order of the

commands (as discussed above, the number of commands, for the code stored within

menu.xml allowing for the function of selecting titles exists for all the various titles stored

upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of

"Title 2", the execution order of the commands associated with each Title is changed).

Regarding claims 2 and 43, Okada teaches the claimed wherein the audio

visual stream data is video object data, still image data or audio data (See Fig. 15 for

various files).

Regarding claims 4-5 and 44-45, Okada teaches the claimed wherein a first

layer of the optical data storage medium to which each of the reproduction information

units is distinguishable, logically and physically, from a second layer of the optical data

storage medium, to which the reproduction information belongs to, and the second layer

is distinguishable, logically and physically, from a second layer to which the navigation

data belongs (see Fig. 15 and 19 wherein the "stream*.mpg", "stream.xml", "title.xml",

"menu.xml" are store separately on the medium. As discussed in the claim 1 above, the

"menu.xml" is the first file that is called during reproduction, which in turn calls a

"title.xml" when a particular title is selected by the (paragraph 374-378), which in turn calls the "stream.xml" files (paragraph 314), which in turn calls the "stream*.mpg" files for playback. Therefore, the claimed "first layer" is met by the "stream*.mpg" and "stream.xml" file and the "second layer" is met by the "title.xml" and the "third layer" is met by the "menu.xml" file. Therefore, the "second layer" and "third layer" are an upper layer of the "first layer" because of the logical processing order in which the "title.xml" and the "menu.xml" files calls on the "stream.xml" and "stream*.mpg" files).

 Claim 46 is rejected for the same discussion in claim 42 above, wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK W. TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GELEK W TOPGYAL/
Examiner, Art Unit 2481
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2481